

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY VEEDER,

Plaintiff,

v.

TRI-CAP, et al.,

Defendants.

4:17-cv-11690

HON. TERRENCE G. BERG

**ORDER ADOPTING REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE**

This is a civil-rights case brought under 42 U.S.C. § 1983. Plaintiff Randy Veeder claims his rights were violated while he was living at Open Door, a homeless shelter in Midland, Michigan, and while serving parole at two residential drug treatment facilities, TRI-CAP and New Paths, Inc., located in Saginaw and Flint, Michigan, respectively. On November 3, 2017, this Court referred all pretrial matters to Magistrate Judge Patricia T. Morris. Min. Entry dated Nov. 3, 2017, ECF No. 16. Presently before the Court is the January 30, 2020 Report and Recommendation, ECF No. 101, issued by Magistrate Judge Morris addressing four separate pending motions for summary judgment filed by the various Defendants: (1) motion for summary judgment filed by Sandra Eagle, Brian Mangapora¹, and William Raleigh (ECF No. 84); (2) motion for

¹ The case caption identifies one of the Defendants in this suit as Brian “Magipora.” But briefs submitted by counsel for the Defendants suggest the proper spelling of his

summary judgment filed by Open Door (ECF No. 87); (3) motion for summary judgment filed by TRI-CAP (ECF No. 90); and (4) motion for summary judgment filed by New Paths, Inc. (ECF No. 92). Magistrate Judge Morris recommends that the Court grant all four motions for summary judgment and *sua sponte* dismiss any First Amendment claim for denial of access to the courts that Veeder may have asserted against Defendants Mangapora and Eagle. *See* 28 U.S.C. § 1915(e)(2)(B) (permitting courts to dismiss claims asserted by incarcerated individuals proceeding in forma pauperis if courts determine that the claim is “frivolous or malicious” or “fails to state a claim on which relief may be granted”). For the reasons described below, this Court will adopt the Magistrate Judge’s Report and Recommendation (ECF No. 101). Summary judgment will therefore be granted in favor of Defendants.

LAW AND ANALYSIS

The Court has reviewed the Magistrate Judge’s Report and Recommendation addressing four motions for summary judgment filed by the various Defendants—Brian Mangapora, Sandra Eagle, William Raleigh, Tri-CAP, Open Door, and New Paths, Inc. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). As of this date, neither party has filed any objections

last name is “Mangapora.” The Court will use the spelling employed by counsel for Defendants.

to Magistrate Judge Morris's Report and Recommendation. The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate Judge's Report and Recommendation as this Court's findings of fact and conclusions of law.

Accordingly, it is ordered that Magistrate Judge Morris's Report and Recommendation of January 30, 2020, ECF No. 101, is hereby **ADOPTED**. The motion for summary judgment filed by Defendants Sandra Eagle, Brian Mangapora, and William Raleigh, ECF No. 84, is therefore **GRANTED**. Further, any First Amendment claim that Veeder may have asserted against Defendants Mangapora and Eagle is *sua sponte* **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim. The motion for summary judgment filed by Open Door, ECF No. 87, is also **GRANTED**. The motion for summary judgment filed by TRI-CAP, ECF No. 90, is likewise **GRANTED**. And the motion for summary judgment filed by New Paths, Inc., ECF No. 92, is also **GRANTED**. The Court will rule separately on Veeder's motion for relief from this Court's prior July 3, 2019 Order accepting and adopting Magistrate Judge Morris's June 7, 2019 Report and Recommendation. *See* ECF No. 94 (Motion for Relief from Judgment); ECF No. 82 (June 7,

2019 Report and Recommendation); ECF No. 83 (Jul. 3, 2019 Order Adopting Report and Recommendation).

SO ORDERED.

Dated: February 28, 2020

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE